

**MAY 14 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROMANO JON SANTOS,

Defendant - Appellant.

No. 02-10387

D.C. No. CR-01-00112-JSU

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Guam  
John S. Unpingco, District Judge, Presiding

Argued and Submitted May 9, 2003  
Honolulu, Hawaii

Before: GOODWIN, RYMER, and T.G. NELSON, Circuit Judges.

Romano J. Santos appeals his conviction under 18 U.S.C. § 922(g)(3) for possession of a firearm by an unlawful drug user and possession of ammunition by an unlawful drug user. Santos assigns error to the district court's failure to

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

suppress evidence obtained from his vehicle in purported violation of the Fourth Amendment. The district court ruled that the search was legal for two reasons. First, the search was incident to a lawful arrest. Second, the officers had probable cause to search the car without a warrant. We adopt the district court's second rationale. We affirm Santos' conviction on that basis, and need not reach the issue of incidental to arrest.

**AFFIRMED.**